



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/776,271

02/12/2004

Walter Schmidt

004501-758

4867

21839

7590

03/23/2006

BUCHANAN INGERSOLL PC  
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

EXAMINER

DANG, ROBERT TRONG

ART UNIT

PAPER NUMBER

2838

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

110

<b>Office Action Summary</b>	Application No. 10/776,271	Applicant(s) SCHMIDT ET AL.	
	Examiner Robert T. Dang	Art Unit 2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All   b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 2/12/2004
- 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt (5942968).

As to claim 1, Schmidt discloses in figure 1, an active part for a surge arrester having two connecting fittings (1,2) which are arranged along an axis at a distance from one another, having at least one cylindrical varistor column (8), which is provided between the two connecting fittings, and having at least one dielectric loop (5), which is supported on the two connecting fittings or on one of the two connecting fittings and a connection piece, which is arranged between the two connecting fittings in the varistor column, and holds together the varistor column or a section of the varistor column, which is bounded by the supporting connecting fitting and the connection piece thus forming a contact force, wherein at least one of the two connecting fittings has an electrode (14), which is arranged at right angles to the axis and is in the form of a plate, as well as an electrical connection, which is integrally formed on the plate, and means for supporting one end of the dielectric loop, which means are formed in the plate and/or are integrally formed at the edge of the plate (see abstract and col. 1, lines 27-53)

As to claim 2, Schmidt discloses in figure 1, wherein the electrical connection (top) is flat.

As to claim 3, Schmidt discloses in figure 1, wherein the electrical connection is in the form of a perforated plate or a plug-in contact.

Art Unit: 2838

As to claim 4, Schmidt discloses in figure 1, wherein an axially symmetrical centering tab (18) projects from a surface of the plate facing the varistor column (8) and is used to guide at least one-cup spring (13) which is in the form of a conical annular disk.

As to claim 5, Schmidt discloses in figure 1, wherein the diameter of the centering tab and the internal diameter of the annular disk are matched to one another so as to prevent the cup spring from being pressed flat.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt (5942968) in view of Shigeru (EP 63313806).

As to claim 6-9, Schmidt discloses all the limitations as discussed above, but does not disclose the supporting means consisting of at least one shoulder which is integrally formed at the edge of the plate and is narrower than the diameter of the varistor column. Shigeru discloses in his invention where the supporting means consisting of two shoulders (5 & 9) (also parallel to the plate) which is integrally formed at the edge of the plate (3,4) and is narrower than the diameter of the varistor column (2). It would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 2838

invention was made to modify the device and the shoulders in order to be hold the electrode and connecting fittings in place.

As to claim 10, Shigeru discloses in figure 1, having a housing, which is composed of insulating material and surrounds the varistor column (8), parts of the connecting fittings (1,2) and the dielectric loop (5) (see abstract).

As to claim 11, Schmidt discloses all the limitations as discussed above, but does not disclose the electrical connections of the fittings are passed out of the housing. Shigeru discloses in his invention where the electrical connections (10) of the fittings are passed out of the housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device and make the electrical connections (10) of the fittings extend out of the housing in order to provide a more secure connection to the object it is trying to protect.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert T. Dang whose telephone number is 571-272-8326. The examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl D. Easthom can be reached on 571-272-1989. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RTD

  
**KARL EASTHOM**  
**SUPERVISORY PATENT EXAMINER**